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## MURCHISON &amp; CUMMING, LLP

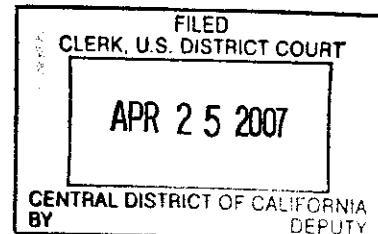
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BY \_\_\_\_\_

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## IN THE UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA

## WESTERN DIVISION

18 SHIRLEY SEXTON, on behalf of  
 19 herself and all others similarly  
 20 situated,

Case No. 07-CV-01957-GHK (AJWx)

21 Plaintiff,

STIPULATION AND [PROPOSED]  
ORDER STAYING ALL  
PROCEEDINGS AND FOR  
PRESERVATION OF EVIDENCE

22 MENU FOODS INCOME FUND,  
 23 MENU FOODS, INC., a New  
 24 Jersey corporation, MENU FOODS  
 25 MIDWEST CORPORATION, a  
 26 Delaware corporation, XUZHOU  
 ANYING BIOLOGIC  
 TECHNOLOGY DEVELOPMENT  
 COMPANY LTD., and SUZHOU  
 TEXTILE IMPORT AND  
 EXPORT COMPANY,

27 Defendants.  
 28

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STIPULATION AND [PROPOSED] ORDER STAYING ALL PROCEEDINGS

1           WHEREAS, this case is one of over sixty (60) putative class actions filed in  
2 this court and several other courts throughout the country for damages and  
3 injunctive relief, arising from the manufacture, distribution and/or sale of pet food  
4 products by Defendant Menu Foods Income Fund, Menu Foods, Inc., and Menu  
5 Foods Midwest Corporation (Collectively referred to as "MENU FOODS");

6  
7           WHEREAS, on March 30, 2007, Plaintiff Sexton ("Plaintiff") filed a Motion  
8 to Transfer and Coordinate or Consolidate Action Pursuant to 28 U.S.C. § 1407 to  
9 the Central District of California with the Judicial Panel on Multidistrict Litigation  
10 ("MDL Panel"). Other parties have moved for transfer of all related actions to the  
11 Southern District of Florida, the Western District of Washington, the District of  
12 New Jersey, and the Northern District of Illinois. There are now approximately  
13 twenty-eight (28) actions pending in the District of New Jersey. While Plaintiff  
14 Sexton initially proposed centralization and transfer to the Central District of  
15 California, Plaintiff Sexton now agrees that transfer for coordination and/or  
16 consolidation of the actions to the District of New Jersey is appropriate;

17  
18           WHEREAS, the MDL Panel will determine whether all actions, including  
19 this action, should be transferred and coordinated and/or consolidated under 28  
20 U.S.C. § 1407 for pretrial proceedings. The MDL Panel has set this matter for  
21 hearing on May 31, 2007 in Las Vegas, Nevada; and

22  
23           WHEREAS, the parties believe that in the short intervening time between  
24 now and a decision by the MDL Panel on transfer and coordination and/or  
25 consolidation, a stay of these proceedings will conserve party and judicial  
26 resources.

27           ///

1 IT IS HEREBY STIPULATED by and between the Plaintiff and Defendants,  
 2 Menu Foods Income Fund, Menu Foods, Inc., and Menu Foods Midwest  
 3 Corporation, through their designated counsel that this matter, including the  
 4 deadlines for the parties to participate in class certification and other pretrial  
 5 proceedings, be stayed pending the establishment of *In re: Pet Food Products*  
 6 *Liability Litigation*, MDL Docket No. 1850, and the potential subsequent transfer of  
 7 this case for coordinated pretrial proceedings with other actions pending throughout  
 8 the country.

9 All parties shall, during the pendency of the stay of this matter, comply with  
 10 their duty to preserve all evidence that may be relevant to this action. This duty  
 11 extends to documents, electronic data, and tangible things in the possession,  
 12 custody and control of the parties to this action, and any employees, agents,  
 13 contractors, or carriers who possess materials reasonably anticipated to be the  
 14 subject of discovery in this action. "Preservation" is to be interpreted broadly to  
 15 accomplish the goal of maintaining the integrity of all documents, data and tangible  
 16 things reasonably anticipated to be the subject of discovery under Fed. R. Civ. P.  
 17 26, 45 and 56(e) in this action. Preservation includes taking reasonable steps to  
 18 prevent the partial or full destruction, alteration, testing, deletion, shredding,  
 19 incineration, wiping, relocation, migration, theft, or mutation of such material, as  
 20 well as negligent or intentional handling that would make material incomplete or  
 21 inaccessible. If the business practices of any party involve the routine destruction,  
 22 recycling, relocation, or mutation of materials, the party must, to the extent  
 23 practicable for the pendency of this order, either:

- 24           i)    halt such business practices;
- 25           ii)    sequester or remove such material from the business process; or

26           ///

27           ///

- iii) arrange for the preservation of complete and accurate duplicates or copies of such material, suitable for later discovery if requested.

## IT IS SO STIPULATED.

Dated: April 23, 2007

Respectfully submitted,

KERSHAW, CUTTER & RATINOFF, LLP

By Stuart C. Talley  
STUART C. TALLEY  
Attorneys for Plaintiff

Dated: April 23, 2007

Respectfully submitted,

WEXLER TORISEVA WALLACE LLP

By Mark J. Tamblyn  
MARK J. TAMBLYN  
Attorneys for Plaintiff

Dated: April 23, 2007

Respectfully submitted,

## MURCHISON & CUMMING, LLP

By GINA E. OCH  
GINA E. OCH  
Attorneys for Defendants

## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/24/01

**GEORGE H. KING**

THE HONORABLE GEORGE H. KING  
UNITED STATES DISTRICT COURT JUDGE

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